

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DON E. DENNIS

PLAINTIFF

VERSUS

NO. 4:04CV247-WAP-DAS

SECRETARY MIKE JOHANNIS, ET AL.,

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

On consideration of the file and record of this action, the Court finds that the Report and Recommendation of the United States Magistrate Judge dated November 10, 2008, was on that date duly served by regular mail upon the *pro se* plaintiff and electronically upon counsel for the defendant; that more than ten days have elapsed since service of said Report and Recommendation; and that no objection thereto has been filed or served by any party. The Court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated November 10, 2008, is hereby approved and adopted as the opinion of the Court.

2. That consistent with the opinion of the Court, the complaint is hereby dismissed for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B); and the Clerk shall forthwith close this case.

THIS, the 21st day of January, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE